

PATENT COOPERATION TREATY

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From the INTERNATIONAL SEARCHING AUTHORITY

To:
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RECEIVED
16 NOV 2004
FILE No. 26507
G.E. EHRLICH (1995) LTD.

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 26507	Date of Mailing (day/month/year) 03 NOV 2004
International application No. PCT/IL03/00723	International filing date (day/month/year) 02 September 2003 (02.09.2003)
Applicant YISSUM RESEARCH DEVELOPMENT COMPANY OF THE HEBREW	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 *bis*.1 and 90 *bis*.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
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Authorized officer

Cynthia Collins

Telephone No. (703) 308-0196

Janice Ford
for

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 26507	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/IL03/00723	International filing date (<i>day/month/year</i>) 02 September 2003 (02.09.2003)	(Earliest) Priority Date (<i>day/month/year</i>) 04 September 2002 (04.09.2002)
Applicant YISSUM RESEARCH DEVELOPMENT COMPANY OF THE HEBREW		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 6 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☒ **Unity of invention is lacking** (See Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. _____



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL03/00723

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claim Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claim Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claim Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-45, directed to SEQ ID NOS:1 and 2

Remark on Protest

☐
☐

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

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International application No.

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A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : C12N 15/29, 15/82; A01H 5/00
 US CL : 435/320.1, 419; 536/23.6; 800/298

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 435/320.1, 419; 536/23.6; 800/298

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
 Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,P --- Y,P	WANG et al. Characterization of sp1, a stress-responsive, bioling soluble, homo-oligomeric protein from aspen. Plant Physiology. October 2002, Vol. 130, pages 865-875, especially page 866 Figure 1, page 867 Figure 2, page 871 Figure 8.	1-4, 6, 9-13, 16-19, 21, 24-28, 31-34, 36, 39-43 ----- 5, 7-8, 14-15, 20, 22-23, 29-30, 35, 37-38, 40-45
X	Database GenBank on STIC, National Center for Biotechnology Information (Bethesda, MD, USA), Accession No. M18538. BRADSHAW et al. Populus x generosa pop3 peptide mRNA complete cds, gene sequence, 30 November 2000.	1-4, 6-13, 16-19, 21-28, 31-34, 36-43 ----- 5, 14-15, 20, 29-30, 35, 44-45
X	WANG et al. Plant tolerance to water and salt stress: the expression pattern of a water stress responsive protein (BspA) in transgenic aspen plants. Plant Biotechnology and in vitro biology in the 21st century. 1999, Kluwer Academic Publishers, Dordrecht, A. Altman et al. (eds.), pages 561-565, the entire article.	1-6, 9-13, 16-21, 24-29, 31-36, 39-43



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

28 July 2004 (28.07.2004)

Date of mailing of the international search report

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

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C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	LIU et al. Characterization of the Xp21-23 region in the wood lemming, a region involved in XY sex reversal. Journal of Experimental Zoology. 2001, Vol. 290, pages 551-557, especially page 552 column 2 first full paragraph, page 554 column 2 lines 29-36.	15, 30, 45

BOX II. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I-VI, claim(s) 1-45, drawn to an isolated nucleic acid, a cell, an organism, and a method of isolating a gene. (Group I is directed to a nucleic acid of SEQ ID NO:1 encoding SEQ ID NO:2, Group II is directed to a nucleic acid of SEQ ID NO:5, Group III is directed to a nucleic acid of SEQ ID NO:6, Group IV is directed to a nucleic acid of SEQ ID NO:34 encoding SEQ ID NO:35, Group V is directed to a nucleic acid of SEQ ID NO:39, Group VI is directed to a nucleic acid of SEQ ID NO:40)

Group VII-XII, claim(s) 46-50, 53, 56-60, 63, 66-70, 73 and 76-77, drawn to an isolated polypeptide, a method of using a polypeptide to prevent protein aggregation, and a method of isolating a protein. (Group VII is directed to a protein of SEQ ID NO:2 encoded by SEQ ID NO:1, Group VIII is directed to a protein encoded by SEQ ID NO:5, Group IX is directed to a protein encoded by SEQ ID NO:6, Group X is directed to a protein of SEQ ID NO:35 encoded by SEQ ID NO:34, Group XI is directed to a protein encoded by SEQ ID NO:39, Group XII is directed to a protein encoded by SEQ ID NO:40)

Group XIII, claim(s) 51-52, 61-62 and 71-72, drawn to an antibody and a method of using an antibody to isolate a gene.

Group XIV, claim(s) 54, 64 and 74, drawn to a method of using a polypeptide to de-aggregate protein.

Group XV, claim(s) 55, 65 and 75, drawn to a method of using a polypeptide to stabilize a protein against denaturing conditions.

Group XVI, claim(s) 78, drawn to a method of isolating a gene.

Group XVII, claim(s) 79, drawn to a method of isolating a gene.

Group XVIII, claim(s) 80, drawn to a method of isolating a nucleic acid.

Group XIX, claim(s) 81, drawn to a method of identifying a nucleic acid.

Group XX, claim(s) 82, drawn to a method of isolating a nucleic acid.

Group XXI, claim(s) 83, drawn to a method of isolating a protein.

Group XXII, claim(s) 84-87, drawn to a fusion protein.

Group XXIII, claim(s) 88, drawn to a method of immunization.

Group XXIV, claim(s) 89, drawn to a method of protecting an enzyme preparation from reduction in enzymatic activity.

Group XXV, claim(s) 90, drawn to a method of repairing at least a portion of lost enzymatic activity of an enzyme preparation.

Group XXVI, claim(s) 91, drawn to a method of administering a polypeptide to an animal having an immune system.

Group XXVII, claim(s) 92-94, drawn to a transgenic plant and a method of engineering a plant.

Group XXVIII, claim(s) 95, drawn to a method of increasing cell migration.

Group XXIX, claim(s) 96, drawn to a method of accelerating wound healing.

Group XXX, claim(s) 97, drawn to a method of inducing wound healing.

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Group XXXI, claim(s) 98, drawn to a method of strengthening hair, nail or skin.

Group XXXII, claim(s) 99, drawn to a method of grooming the hair, nail or skin.

Group XXXIII, claim(s) 100-102, drawn to a pharmaceutical composition.

Group XXXIV, claim(s) 103-104, drawn to a method of isolating a protein.

Group XXXV, claim(s) 105-106, drawn to a method of treating a disease.

Group XXXVI, claim(s) 107-108, drawn to a method of increasing a binding avidity of a binding molecule.

Group XXXVII, claim(s) 109-113, drawn to a hetero complex.

Group XXXVIII, claim(s) 114-129, drawn to an isolated protein.

Group XXXIX, claim(s) 130, drawn to a method of increasing a specific activity of a protein.

Group XL, claim(s) 131, drawn to a method of increasing a specific activity of a protein.

The inventions listed as Groups I-XL do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The technical feature linking Groups I-XL is a boiling stable protein. However, a boiling stable protein is obvious or anticipated over PELAH et al. (Tree Physiology, 1995, Vol. 15, pages 673-678). Therefore, the technical feature linking the inventions of Groups I-XL does not constitute a special technical feature as defined by PCT Rule 13.2, because it does not define a contribution over the prior art. Furthermore, the special technical feature of each group of invention is the particular product and/or the particular method of making and/or using that product as set forth in the claims, as the products of groups I-XXI, XXIII-XXXII, XXXIV-XXXVI, XXXIX and XL are different from each other, as are the methods of groups I-XXI, XXIII-XXXII, XXXIV-XXXVI, XXXIX and XL.

Continuation of B. FIELDS SEARCHED Item 3:

STN (agricola, biosis, biotechno, caba, caplus, medline, uspatfull): inventor names, aspen, Populus, bspA, sp1, pop3, stable, chaperonin, expression, library, hybridization; STIC sequence search for SEQ ID NOS: 1 and 2.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.